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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,880	05/21/2004	Shohei Fujisawa	119822	8700
25944	7590	01/09/2007	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			MACCHIAROLO, PETER J	
			ART UNIT	PAPER NUMBER
			2879	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/09/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/849,880	FUJISAWA, SHOHEI
	Examiner Peter J. Macchiarolo	Art Unit 2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 August 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 and 23-25 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Amendment

The reply filed on 08/23/2006 consists of an English translation of the priority document and remarks related to the prior rejection in the Previous Office Action. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, in light of newly found prior art, pending claims 1-14 with claims 15-19 and 23-25 being withdrawn, are not allowable as explained below.

Priority

The English translation of the priority document and the statement that the translation is accurate filed 07/21/2006 have been reviewed. It is determined that Applicant is entitled to the earlier foreign priority date. Consequently, the 103(a) rejection to Nishizawa is withdrawn. However, in view of newly found prior art, pending claims 1-14 with claims 15-19 and 23-25 being withdrawn, are not allowable as explained below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi (USPN 20030007363: "Yagi") in view of Mori et al (USPN 4538216: "Mori").

In regards to claim 1, Yagi discloses at least in figure 5, a light source unit, comprising: an incandescent light source (18); an elliptic reflector (12) having a reflecting surface (16b) of a substantially elliptical shape to emit a luminous flux radiated from the light source (18) in a certain direction; a collimator lens (40) to make parallel convergent light from the elliptic reflector; a lamp housing (12) to set a direction of an optical axis of the elliptic reflector (12), the lamp housing including a lens positioning member (32) in which the collimator lens (40) is fixed, the collimator lens (40) being positioned and fixed to the lamp housing (12) by the lens positioning member (32) in a state in which the optical axis of the elliptic reflector and an optical axis of the collimator lens are aligned.

Yagi is silent to the light source being an arc tube having a light emitting section, electrodes and sealed sections provided on both sides of the light emitting section, discharging emission being performed between the electrodes (a.k.a. high pressure discharge lamp).

However, Mori teaches at least in col. 1, ll. 10-41 that it is well known to use either an incandescent light source, or a high pressure discharge lamp may be used as a light source in such a lighting apparatus with a reflector and lens, since both light sources have similar

luminance and color characteristics. Since high pressure discharge lamps have higher light emitting efficiency than incandescent lamps, one would be motivated to such a light source substitution.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the light emitting device of Yagi with a high pressure discharge lamp to use a light source having higher light emitting efficiency.

Regarding claim 2, Yagi discloses that the lens positioning member (32) is formed integrally with the lamp housing (12).

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi in view of Mori in further view of previously cited Inaba (JP 2000028887; "Inaba").

Regarding claims 3 and 4, Yagi discloses fixing the lens to the lens position member by using screws.

Both Yagi and Mori are silent to using an adhesive agent, and specifically, a thermal caulking.

However, using an adhesive such as thermal caulking instead of screws is an obvious modification to reduce manufacturing time, as evidenced by Inaba. One would be further motivated to this arrangement based on material availability and certain platform requirements.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Yagi and Mori with thermal caulking to reduce manufacturing time.

Regarding claim 5, Yagi discloses at least in figure 5 the lens (40) is formed with a flange (41) formed on an outer periphery thereof.

Regarding claim 6, Yagi discloses at least in figure 5 an entire outer peripheral surface of the collimator lens (40) is adhered and fixed to the lens positioning member (32).

Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi in view of Mori in further view of Inaba in further view of Kenjo et al (USPN 6086231; “Kenjo”).

Regarding claim 7, Yagi is silent to the exact angle of the flange.

However, Kenjo discloses in at least figure 8 an angle of an extremity of the flange (47) formed around the outer periphery of the collimator lens (46) is an acute angle between 30 and 90°, and this allows for a more secure and safer lens mount.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Yagi, Mori and Inaba with the flange having a taper angle of for a more secure and safer lens mount.

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Regarding claim 8, the Examiner notes that the preamble recites that the light source is used for in a projector. This is an intended use type preamble, since it merely recites the intended use of a light source. Where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, the preamble is generally not accorded any patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the preamble has been considered, however is not patentable over the prior art.

Regarding claims 9-14, the limitations therein have been previously addressed above and will not be repeated here. The reasons for combining and motivation are the same as previously discussed.

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Response to Arguments

No arguments have been presented in the previous response by Applicant which need addressed at this time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


pjm


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